

# THE LEISURE HOUR.

A FAMILY JOURNAL OF INSTRUCTION AND RECREATION.

"BEHOLD IN THESE WHAT LEISURE HOURS DEMAND,—AMUSEMENT AND TRUE KNOWLEDGE HAND IN HAND."—Cowper.



AN UNEXPECTED RECOGNITION.

CHAMBERCOMBE.

A TALE OF NORTH DEVONSHIRE.

VIII.

"THERE'S a party coming from Plymouth to-day," said his uncle to William Oatway, one morning at breakfast, "to look through the mine. Will you be there to receive them? They've been recommended to our attention by the Stroudes; but I know nothing of the individuals themselves."

"I'll give them as much of my personal presence as possible," replied the young man. "I haven't an

acquaintance on whom I can call as a friend in all Plymouth, and I feel inclined to look about me a little. Perhaps it may prove an opportunity."

"You want more society, William," observed his aunt; "don't you? You would like to have a good look at the world, and see what town life is, with its press of business and whirl of pleasure. We are getting too dull for you, and might have done more, certainly, to make you acquainted with the county families. You mean to give us a hint, I suppose."

"Not at all, aunt. I've had as much society as I care to have; and as to peeping into town life, there are two

sides to that matter: I should probably see more than I bargained for, and fall back finally on what I am now, a lover of the country, which, with all its monotony and inertness, need never be dull or unadvancing, whilst it furnishes both simplicity and happiness, sought elsewhere in vain. Still it would certainly be pleasant to know a little more of the Plymouthians. We shall see what the day will turn up."

Riding leisurely toward the mine, humming a west-country tune, William was met by a miner, "a surface-man," so called, who had been one of Cromwell's soldiers, and was a sort of Bunyan in his way. Touching his hat, he said, "I be going to Farmer Webb's for cream, sir. Some Plymouth folks have asked me to get their breakfast ready in one of the sheds; and the air of Roborough has made them as hungry as hawks."

"They're early, Ned. How many are there?"

"Five, sir: three gentlemen and two ladies."

"All for King and Constitution, Ned—eh?" he said, with a smile.

"Well, Mr. Oatway, I'm for King and Constitution too. The powers that be are ordained of God, and what pleases the country pleases me. Render unto Caesar the things that are Caesar's. That's often talked about, sir; but there aren't so many who are ready to render unto God the things that are God's."

"I believe you, Ned. I wish I was more like you myself in that respect."

"I'm a poor pattern, sir; but I learnt something whilst wearing the uniform of the Protector. I was a godless man when I went away from the mine; and whatever may be said of the troopers disbanded by the King, there was a good deal of piety amongst them, and it'll be all the better for the country to have scattered abroad in it so many honest, sober, God-fearing men. The righteous is more excellent than his neighbour, Mr. Oatway."

"I like to talk with you, Ned, and think much of your remarks; but you're forgetting the cream, and I'm almost forgetting myself; so we'll to business."

"How much of true worth and of true patriotism," thought he, as he rode on, "is there walking in the coarsest garb and in the commonest ways. Manhood is better than money, after all. Righteousness is the best wealth, no doubt. Even poverty gives force to principles and aims, when the heart is right. Poor Rebecca! how she would have liked that man, and how she would have placed him before me as a specimen of manliness!"

He found the party at the sheds extemporizing a breakfast-table, and bringing forth from saddle-bags the requisites for a substantial meal; but they paused in their operations as he entered, and expressed in polite terms the hope that they were not taking a liberty. He assured them that it afforded him much pleasure to see them quite at home, and that he would be happy to minister in every possible way to their enjoyment. "May I beg to be favoured with the names of my visitors?" he added.

"To begin, then, with myself," said a middle-aged gentleman: "I am Jacob Reynolds, ship-builder. Here are Mr. Atkins and his wife, accompanied by their niece, Miss Gregory; and that is Captain Lee, of the good ship 'Rover.'"

"Ah, the sea has its charms," said William, "though we landmen often pity the mariners, so helpless by times, at mercy of the merciless elements."

"We know something of that, sir," remarked the elder lady, sedately; "some of us a good deal." And she looked at her niece, over whose handsome face a

pallor had stolen, and whose soft blue eyes were dimmed with tears.

"Let by-gones be by-gones for the present," said Mr. Atkins. "The cream has arrived, and we've brought with us, Mr. Oatway, that novelty, tea. We're beginning to think much of it, and, if I mistake not, it will become a favourite beverage. What think you, sir? Perhaps you'll join us."

"I will. What exhilarates a Chinaman can exhilarate a Devonian, no doubt. I've heard skippers say it makes people talk fast in the East, especially the ladies; though I question," he added, with a laugh, "whether, in that respect, they are much in advance of us, even as things are."

In this way a pleasant turn was given to the conversation, and before the meal was finished even the young lady, in whom sad feelings had been roused, was lively and chatty too; though there was a staidness withal in her demeanour, indicative of thoughtfulness and solidity of character.

"You are aware, gentlemen," said William, "that you must retire to dress before descending the mine; and then I'll commit you to the captain of the works. Meantime, and whilst you are below, I shall be happy to take the ladies to one or two interesting spots, from whence the country may be viewed to advantage."

Accordingly they sallied forth, and he endeavoured to give them a favourable sample of the surrounding scenery.

"There!" he remarked, kindling with animation as he went on: "one might almost suppose that the powers of enchantment had been busy here. See how the gracefully-moulded hills rise above each other, lighted up, as it were, by the trees in the valleys, whose tops have caught the morning sun; whilst away in the distance the blue moor is faintly discernible, losing itself in the misty air, and throwing into beautiful relief the nearer tops, which tower up in rocky grandeur, witnesses once of Druid rule and worship. Look! the flitting lights glint, now from rugged peaks, and now from massive slabs piled up mysteriously; and scarce a trace of man's existence is to be seen. Isn't it beautiful?"

"Beautiful indeed," answered the elder lady. "Did you ever see anything finer, Ellen?"

"Not of its kind, perhaps," she said, musingly; "and, with a different foreground, I could almost imagine myself in the neighbourhood of Tampico, where we had such delightful rambles whilst the vessel was lading."

"You've been abroad, then, Miss Gregory?"

"Oh yes; more abroad than at home after I lost my mother; and, in the parts of which I was speaking, the panoramas that unrolled themselves to view from different heights were past description. Hills beyond hills, as here, and valleys golden with orange-trees or sombre with woods of palmetto; whilst the gray mountain precipices, reflecting all kinds of hues, swept down into dark gorges through which streams struggled, nourishing a variety of water-plants, and glistening here and there like polished silver in the glowing sunlight."

"How grand! You are an admirer of Nature, Miss Gregory?"

"Yes; and what should we admire more? I have seen her face in many climes and in many moods, in sunny lands and in treacherous seas. She has caused me many a happy, and many a mournful hour."

"You are young, miss, to have known much of sorrowful experiences," said William, struck by her manner and her remarks.

"I am an orphan, sir," she replied, looking him in the face with an expression of sadness, but of peaceful

and pious resignation, that touched his heart; and as her countenance kindled into brightness as she told of her assurance that all things work together for good, he felt as though he was looking on the face of an angel.

"The loss of her father," said Mrs. Atkins, "was a painful thing, indeed. His vessel was wrecked in the Bristol Channel, and all but Ellen were drowned."

"And how was she saved?" asked William, holding his breath.

"Miraculously saved, sir, as I may say—cut from the mast, which had fallen overboard, by some one who happened to be on the rocks that fearful night."

"How remarkable!" replied William, endeavouring to conceal his feelings.

"It was a youth," observed the young lady, "whom I never expect to thank for his humanity and fortitude." But, wishing to change the subject, she added, "Shall we go and inspect the landscape from a different point?"

"Certainly," said William, recovering from his embarrassment; "but allow me to ask, what were your feelings when ready to perish, as I may say?"

"I cannot describe them, sir. But I well remember that I never lost hope. I looked up to Him whose eye, and hand, and heart are everywhere, who cares for sparrows, and cares yet more for his children. And he saved me."

"Do you still preserve," said William, measuredly, in a subdued tone, and hesitating to complete the sentence—"do you still preserve the cape, marked A. O., that I lost?"

She looked at him for a moment in utter astonishment, and the colour fled from her cheeks. A faintness not to be controlled stole over her, and, leaning for support on her aunt, she relieved herself by a long-drawn sigh, and then said, with a trembling voice, "And is it to you, sir, that I owe my life? Are you the gentleman whom I have hoped so long to see? Then my desire is fulfilled: I am happy." And her looks spoke a gratitude which made William happy too.

"We had better return," said Mrs. Atkins. "This is a strange meeting, indeed. It's almost too much for you, Ellen." And, with Mr. Oatway's assistance, the young lady walked silently back to the shed. It was a red-letter day in her history.

And no less so in the history of her preserver; for a new class of feelings held court within from that time. His thoughts would follow the maiden who had charmed him so much, more, indeed, by her mind and the loveliness of her character, as far as it had revealed itself, than by the personal attractions of which she seemed unconscious. He found himself wandering from the mine occasionally to the spot where the long-wished-for discovery had been made—where his spirit had met with its second self; and ere a week had passed he made an errand to Plymouth. And so pleased was he with his visit that he repeated it soon, and then again—and then again.

"Surely you are getting fond of town life, William," said his aunt, a few months after, as they sat by the fire in the hall, "notwithstanding your professions of country preferences."

"I care but little for town life, aunt," he answered; "but I question if I could always enjoy even the country alone."

"Alone! What is the boy thinking of? Are you afraid of being confined to the virtuous Lady Cave? Or you have a notion, perhaps, of commencing a bachelor's establishment in one of the sheds. After all, you do feel lonely here, then, William?"

"Never, dear aunt, never; but is it wrong to think

sometimes of a home of my own, where I should be thrown on my own resources, develop my own energies, and be, in fact, a man for myself? I've been swimming with corks all my life, and I should like to try deep water without them."

"So that's what you're learning in Plymouth, is it? I never! What next, William?" And she laughed heartily.

"I am serious, aunt, I assure you; and you mustn't consider me flighty, much less ungrateful. How could I settle in life without a home of my own? and I should like a business of my own, too."

"You must be possessed, William! What has come to you? Haven't you a home that is your own now? and isn't the mine as good as your own? Something has made you low-spirited, I suppose; or have the pixies been turning your brain?"

"The truth is, aunt—and I may as well say it first as last—I've seen a young lady whom I wish to make my wife—some day."

"Wife! craziness! I thought you had more sense than to follow the fashion of boys nowadays, who, as soon as they are out of their teens, begin to talk of settling in life, forsooth. You might have postponed your purpose, I think. At any rate, you might have consulted us first. Do you mean to tell me that you're engaged?"

"I am."

"And to say that to my face, William! Your uncle will be terribly offended, I am sure. And who is the lady, pray?" she asked, after a pause, her curiosity getting the better of her vexation.

William explained; and she remarked, "I thought you would have looked higher. You might have looked higher. It'll be the old story: marry in haste, and repent at leisure."

Contrary to Miss Slade's prediction, her brother took the matter very quietly. He was not offended, or, if offended, he concealed his feelings. "Please yourself, my boy," he said; "please yourself. You wish to be independent. Be it so. You've your father's spirit, and want to make a way for yourself. Well, self-reliance is good, but it's often confounded with self-will, William."

"You misunderstand me, uncle; you do, indeed. No one can value more than I do the fatherly and motherly kindness I have received since first I came to Wallredon. But I feel averse to step into something that I've had no hand in creating. I want to throw myself on myself; to make my life, and not have it made for me; to recover what my father lost. I may be wrong; but to me it looks like the right."

"Try it, then, William, and our best wishes attend you. Your feelings have mastered your reason, depend upon it. In plain words, you are the victim, in my opinion, of love and pride."

## IX.

No one would have thought that William Oatway, whose home at Wallredon afforded him every comfort and luxury, and whose prospects as the destined heir of the Slades were so bright and promising, would have relinquished a certainty for an uncertainty, or been induced to forego a condition of affluence for a condition of toil, in which disappointment was as possible as success. It seemed to be an inconsiderate, hasty, self-willed abandonment of endowments providentially conferred, for the sake of an idea, long entertained indeed, and worthy enough in itself, but held unwisely, and now by a sudden gust of feeling converted into a great purpose. He



must be a man for himself. He must, unaided, get possession of Chambercombe. So he thought. So he determined. It was the human side of a course intentionally adopted and open to view; but there was another higher side concealed from sight, which, in due time, would reveal itself.

The wayward young man married, and took a farm midway between Tavistock and his old home at Rockscombe, where he laboured assiduously for ten years, never losing sight of the object to which he had devoted himself, but without advancing in reality a step towards it. Scrupulously careful in the expenditure of money, he became somewhat penurious; and sensitively anxious to accumulate sufficient for his purpose, he grew somewhat covetous. But he retained the same lively, affectionate spirit that he had ever shown, and was devoted to his wife, who proved herself a help-meet indeed, and to his only daughter, a lovely child, whose winning ways did much to dissipate his cares, and to keep the softer and finer qualities of his nature in healthful play. At times, indeed, he was silent and sad. He did not prosper as he wished. His riches increased not in proportion to his hopes. One unfortunate season made havoc with the gains of preceding ones, and set him back so far on the road to wealth that he almost lost heart with respect to the future, of which he had been so sanguine.

And then it was that his wife's cheerful spirit and Christian views so cheered and encouraged him that he looked up again, hoping against hope, and braving difficulties with a bold heart, deficient only in that true heart's religion which, whilst it furnishes the strongest incentives amidst earthly duties, affords the richest consolations amidst earthly trials, and would, if he had possessed it, have animated him with a nobler ambition than that which ruled his life. "Never mind Chambercombe, William," she would say to him: "our happiness does not lie there. 'A man's life consisteth not in the abundance of the things which he possesseth.' We are happy in each other's love, and may be more than happy in the love of God, who is ordering all things with a wise intent, and showing us the best of inheritances above. Let us look to Him as our satisfying portion, and we shall avoid the miseries and disappointments of those who are ever saying, 'Who will show us any good?'"

Such words of counsel were never without their effect. He was influenced by their truth, though he did not realize their power, and yielded to the force of conviction without being aided by the testimony of experience. The lessons he had been taught in his younger days in so far bore fruit that he listened with attention, and interest too, to the truths so frequently presented to his mind, and they had at least an indirect influence on his heart and life.

In consequence of a proposal made to him by one of the descendants of the Grenvilles, he left his farm at Rockscombe, and became steward of Lundy Island, a part of which he cultivated for his own benefit. It was a change for the better in a monetary sense, but it separated his family from the society to which they had been accustomed, and consigned them to a spot as lone and isolated as could be well conceived. A number of people, indeed, resided on that rocky home in the Bristol Channel, and secured a comfortable living by summering cattle, by the sale of feathers and eggs, and by the produce of arable land, which grew vegetables and grain in abundance; but they belonged to the poorer class, and were no companions for William and his wife, who were looked up to as the lord and lady of the island. And happily they found a compensation for the self-

denial which this solitary life necessitated in their improved circumstances. They began to grow rich. The vision that Oatway had kept before him became more and more unclouded; and often, when he traversed with his gun the heathery height (abounding with rabbits, and in the season with woodcocks and snipes), he cast many a glance eastward towards the spot to which his heart still clung, and which, as wealth augmented, he began to regard as an almost secured possession.

Returning home one morning laden with game, he remarked as he deposited his profitable forage on the hall table, "There's a ship of war, Ellen, rounding the 'Sentinel.' She carries Dutch colours, and has her guns run out. They seem to be surveying the island, and perhaps we shall be honoured by a visit."

"They may want provisions," said his daughter Kate, a blooming girl, just budding into womanhood, "and will think us well stocked if they see this display."

"They'll have nothing but what they pay for," replied her father, "depend upon it; and the clink of Dutch guilders is no bad music, after all. There's a gun."

It was a signal from the vessel, which by this time had cast anchor, and presently a boat was sent on shore.

"There's some one aboard who knows where he is," observed Oatway; "for there was only one secure landing-place in all the island." And soon an officer made his appearance, who apologised for intruding on their privacy, but ventured to solicit a favour.

"We've mistaken our bearing, sir," he said, with a strong foreign accent, "and have stood farther south than we intended; but it may be all the better for our captain, who has been ill these three days, and longs for a draught of new milk."

"We shall be happy to oblige him," replied Oatway; "and, if he is disposed to venture on shore, our fine air and a little good nursing might set him right again."

"He's too ill for that, sir," answered the officer. "In fact, it's nearly over with him; but the beverage he longs for may refresh him a little, nevertheless."

"Here it is, then," said Mrs. Oatway, handing him a can of milk; "and if more is wanted, the captain shall be welcome to it."

He thanked them, and returned to the ship; but the next morning they saw him ascending the cliff once more, accompanied by a military officer in plain clothes, who proved to be an Englishman.

"You see I am waiting on the captain myself," said the lieutenant, "and must beg you to repeat the kindness of yesterday. This is a friend of mine and a countryman of yours, bound to Bristol—Captain Wallis. And I may as well introduce myself at the same time—Lieutenant Reillard."

"That's a French name," said Mrs. Oatway.

"It is, madame; but there are many families in Holland as well as in England of French extraction. You will not count me as a foe because of my name?" he added, smiling.

"Certainly not; but as I once knew a family of Reillards at Brest, my mind was taken thither immediately."

He looked embarrassed, but said, in a lively tone, "Our thoughts play strange pranks sometimes, madame, and often lead us astray. But would you allow my friend and myself?" he added, addressing himself to Oatway, "to go over the island and see something more than the rocks and the sea-fowl?"

"By all means," answered Oatway. "This gentleman can remain until you have taken the milk to the

captain, and, on your return, you can spend the day with us together:" which they did.

"It's a snug little place, after all," said the lieutenant when their ramble was over, and they were sitting with the family at a well-served table. "Morisco Castle is made the most of, and would do mischief with its guns in a needs-be; whilst St. Ann's Chapel, in tolerable preservation still, is a pleasing memento of by-gone days, when service was regularly performed by self-denying priests. It must be wretchedly lonely, however, in the long-run. Don't you find it so, Miss Kate?"

"It's my home, sir," she replied, artlessly; "but we're expecting to leave it soon, and I shall indeed be glad when we get once more on the coast. There is little to be seen here but the sea, and little to be heard but its roar and the screaming of the mews."

"Ah, you would like to mix with society, and see something of life, miss," said Mr. Wallis.

"I want nothing in that respect, sir, beyond what I have; but it will be pleasant to settle in Chambercombe, where father was born, and where his ancestors lived for years and years before him."

"And where is Chambercombe, Miss Oatway?" he asked.

"Away beyond Morte Point, just in from Hele Strand; a beautiful spot, as father describes it. I seem to know it well, though I never have seen it."

"It has been the hope of my life to get back to the old place," said Oatway; "and the next time you lose your reckoning, and find at last that you're at sea in the Bristol Channel, you can put Kate's account to the test."

They smiled, and Captain Wallis remarked, "That's an invitation, Mr. Oatway, and I have great pleasure in accepting it. But here's the coxswain steering up the path. It's time to go."

The ship remained at anchor in the roadstead several days, and at length a messenger was sent on shore, who announced to Oatway that the captain of the vessel was dead. Permission was asked at the same time that his remains might be interred in the consecrated ground connected with St. Ann's Chapel, and a request preferred that the inhabitants would attend the funeral.

Accordingly, at the time appointed a coffin was taken ashore and borne to the place of sepulture, followed by a number of officers and seamen, and by all the dwellers on the island. The latter were respectfully solicited to remain outside the little church until certain ceremonies in which strangers were never allowed to partake had been observed, after which they were admitted, and the doors were closed. But from the would-be coffin the whole of the seamen had meantime armed themselves to the teeth, and, boldly announcing themselves to be Frenchmen, they vowed that instant death should be the lot of any who ventured to leave the place. Remonstrance was in vain, and equally vain would have been the resistance that Oatway would have attempted, unarmed as he was, if his wife and daughter had not interposed, counselling him to restrain his indignation, and submit, rather than embroil himself in a contest with such treacherous and unscrupulous men.

A number of sailors remained in the chapel as a guard, and the rest went forth to scour the island, laying violent hands on everything that came in their way. The guns were thrown into the sea; the cattle were hamstrung or driven over the cliffs; homesteads were rifled; cottages were razed to the ground; ricks were fired. They spoiled or destroyed the growth and produce of years, and left the islanders in a state of utter and almost irretrievable destitution.

"Who are they?" whispered Kate to her father.

"Frenchmen," he replied, angrily. "Didn't you hear them? A set of pirates, sailing under false colours. We could have stood a brush with them in an honourable tussle; but this contemptible buccaneering is a disgrace to the French flag. They'll leave us nothing, the cowardly marauders; not even a home to lodge in."

His words proved true with regard to the inhabitants generally; and great indeed was the distress of the people that day, when released from the durance in which they had been held, as they wandered about surveying and deploring the desolation; and long, long was it before the island resumed its wonted cheeriness, and gave promise again of its former prosperity.

The Oatways suffered less than the rest, much less; and their exemption from the general calamity was due to the gallantry of the English officer, whom they found stationed at the door of their house, guarding it sword in hand. He hailed them, as they approached, with the voice of a friend, and said, "I have stood by your dwelling, Mr. Oatway, and preserved it. War is war, but I'll have nothing to do with such sneaking ruffianism. I lent myself to an innocent deception that we might see the island, but had not the remotest notion of what had been designed until the feigned coffin was borne from the ship. Had I suspected their intentions, I would have put you on your guard; but all I could do was to scull myself ashore, too late indeed to warn you, but not too late to render you a service."

"Our warmest thanks, our sincerest gratitude, are yours, Mr. Wallis," said Oatway; "but you have exposed yourself, I fear, on our account. How will you answer for this to those on board?"

"I have exposed myself to nothing," replied the officer, "but the testimony of a good conscience; and as to those on board, I bid them good-bye. They're bending their sails already, and we part company."

"I thought," said Mrs. Oatway, "that Reillard must be a Frenchman. I've seen him before; but I never suspected he was deceiving us so shamefully."

"Shamefully indeed, madam; and, having accompanied him, I must give an account of myself, provided you will have the patience to listen. In this out-of-the-way home you have scarcely been affected by the divisions and strifes of the nation since King James abdicated and left for France, and King William was crowned in London; and in many respects you are to be envied. I, however, have had to choose between two masters, and my choice has fallen on the exiled monarch. I followed him to France, and, having received a commission to join Tyrconnel's army in Ireland, I embarked in yonder vessel, standing down Channel with a French flag at the peak, which went out of her way to plunder this island, and is now—"

"You are a Roman Catholic, probably?" said Mrs. Oatway.

"No, madam; my adherence to King James has nothing to do with his creed. It has resulted from a loyal disposition which I suppose has been inherited."

"We too," remarked Oatway, "respect loyalty, respect it religiously, but we repudiate civil war. It is time for brothers to sheath their swords; to join in a common contention against national ignorance, superstition, and vanity; and so to combine military enterprise and commercial speculation abroad as to find scope for the country's resources in all respects. You must have known that Tyrconnel was playing false: would you—"

"It was not to join him, so much as to espouse a cause, that I left France; but there appears to be little

prospect of success, and I suppose that I must banish myself for ever, or yield to the new dynasty; at any rate, I shall make my way to Ireland, and I promise you not to forget your doctrine of legitimate strife."

"The sloop from the land will be here to-morrow," said Oatway; "but remain with us, sir, a few days. It would gratify us to show how much we feel the obligation under which you have placed us."

"Don't speak of it," he replied; "but to-morrow I must reach the coast without fail, and proceed to Plymouth, from whence I shall hail to Dublin."

But the morning brought with it a change that prevented the smack from sailing for the island. The wind veered during the night, and gradually increased to a gale, which roused the sea to fury, and afforded the officer an opportunity of witnessing in safety an ocean storm, so sublimely grand, so terribly appalling. And, sooth to say, he contemplated it with a lurking pleasure, as it justified a detention to which he was anything but averse, since, though duty summoned him away, inclination pleaded for a respite.

The day passed, and several days; whilst the wind blew on, lulling occasionally, and then bursting forth afresh, maintaining the sea in a perpetual tumult, and precluding the possibility of a visit from the little craft that acted as tender to the island. But the fiercer the gale, the more it served to enhance the comforts of home which the officer found in the family whose visitor he had unexpectedly become, and the lengthened intercourse which his stay permitted gave birth to mutual esteem. Though but five-and-twenty, he displayed a cultivated mind and a matured judgment, inspiring Kate with a reverence for his wisdom, and pleasing her parents both by the extent of his information and the apparent worth of his character. And on his part it was a matter of pure enjoyment to commune with minds so distinguished for intelligence and virtue, and to draw forth with guileless skill the latent endowments of the simple-hearted maiden whose society he found to be more and more engrossing.

But the gale at length moderated, and he bade them farewell, carrying happy remembrances with him of his imprisonment, as he jocosely termed it, and creating for a while a felt blank in the little circle to which his presence had given a sort of new life, and where he was thought and spoken of for many a day with unfeigned pleasure.

The next year, when autumn again came round, the family removed from Lundy to Chambercombe; and a joyous day it was to Oatway when he set foot once more in the old farm-house. With all the curiosity and excitement of a little child, he went from room to room, from garden to orchard, from outhouse to outhouse, recalling the past and comparing it with the present, describing things as they used to be, and complaining of changes which others thought improvements, but which were condemned at once for no other or better reason than the oft-repeated one, "It wasn't so in father's time." As the new became familiar to him, however, it pleased him as well as the old, and in time he was constrained to admit that many things had been altered for the better. The sole drawback to his happiness—and it was a drawback—lay in the fact that he was only a tenant. With all his endeavours, he had been unable, as yet, to lay by a sum sufficient to purchase the estate; but he hoped to do so in time. And in time he *would* do so, providing no unforeseen calamity occurred—his mind was made up to that—and then his home would be his own, as it ought to be. His wife was far less solicitous, and not over-sanguine. She had never entirely sympathized

with him in the object of his ambition, and often and often she reminded him of the possibility of disappointment, and the desirableness of conforming to the Scripture sentiment, "Godliness with contentment is great gain;" whilst Kate, happy in her parents' love, was unconscious of any earthly wish that exceeded the daily gratification which her charming home afforded.

#### A MORNING WALK IN JERUSALEM.

ONE morning I said to our German maid, "Has the ewe's milk arrived? I want some coffee before we start."

"Ah, no," she replied, "the Fraulein forgets; it is not yet five o'clock, and the milk will not be here before half-past five."

Consequently, much against my inclination, it was needful to swallow a draught of black coffee, with that peculiar flavour of spice which all in this convent are so fond of, and so kindly put into the coffee served out to pilgrims: for we, too, were pilgrims to the Holy City. We were quartered in a house within the precincts of the great Greek convent, from whose kitchen and bakery came all our supplies. This spicy flavour in the coffee, I confess, I did not at all like; and, in general, I tried to drown it in the liberal allowance of sheep's milk, though *café au lait* is not an Oriental beverage.

In a few minutes our clerical conductor appeared in the monastic garb, and we were most happy in having this gentleman, who knew every nook of the city and suburbs, to guide us in so interesting an excursion as a first visit to the Church of the Ascension, on the very summit of the Mount of Olives. We started eagerly, but, on stepping outside our gates into the street (!), were warned by the uneven pitching that walking in Jerusalem is a movement requiring care and time; so we beguiled the way by talking of the legends that cluster round the Via Dolorosa, along which we passed on our way to St. Stephen's Gate. With curious interest we looked inside the last gate on the right within the town, for it opens into the temple inclosure, and is always guarded by Turkish soldiers. These are polite enough to Englishwomen, and would permit us to look inside were it not for those fanatic black dervishes who live within, and who would fall upon and kill in an instant any infidel they might see stepping over the outer threshold of the gate.

Now we pass out at St. Stephen's Gate into the blinding sunlight, which even at this hour is reflected from the white rock on which the Holy City stands, in a glaring, painful way. Before going up the mount, we turn aside to the subterranean church of St. Anne, and descending the long flight of steps, find ourselves in a very large, lofty cave, which might hold seven hundred or more worshippers (you know, in the Greek Church, people always stand during service). Behind the Holy Place (a natural screen of rock) we find another cave, which we enter by a passage, and are now in this second but more private and smaller cave, where there is no light but that of dim lamps above the altars, in front of one of which, and scarcely visible in the deep shadow, stands a rather distinguished priest, waiting to give the blessing and sacrament to two of our party, who belong to the "orthodox rite," and who have fasted for many hours before coming to this impressive service. They go singly to the other side of this church only that they may more privately kneel before the papa, and reply to his question, "My son (or daughter), have you any sin to confess?" and as they answer "No," the priest prays aloud over them, giving his blessing with uplifted hands.



This is the form of confession in the Greek Church, and no priest is suffered to put particular questions to the person asking his blessing. This rule applies with even greater force to female communicants; so that the inevitable scandals attendant on the Popish form of confession are entirely unknown in the more ancient communion. After this blessing our companions passed into the outer church, and stood in front of the altar. The priest soon came, wearing some slight additional vestment; and, after some prayers, those intending to partake rose from their knees, and, standing close to the step of the altar (there is no rail), received in the mouth a morsel of cake-like bread, broken by the priest from a larger piece in his hand. Then, after more prayers, the wine was taken (by the priest) from the cup in a tiny gold or silver ladle, and received into the mouth of the communicants. During the reception the priest repeated the words of the gospels and epistles relating to the institution. The ceremony did not occupy ten minutes. About a dozen persons came up in this group to the altar; there was no arrangement of these persons: some stood in front, others behind; and they approached when the priest extended his hand toward them. All was done with the greatest propriety, and in some cases with intense devotion of manner.

Leaving the church, we saw at intervals, on either side of the steps, altars belonging to the Armenian, Coptic, and other churches. Groups of pilgrims were before them, even at this early hour. While, outside, at the top, after winding round a little gallery in the open air, we came to a grate covering the entrance to a small cavern church belonging to the Latins, and a Franciscan monk who had been cleaning it produced the key, and allowed us to enter and look round. It was very low, but neat and cool, with an unusually small amount of the paltry decorations so common in Latin churches even in Palestine.

These caves are most interesting to visitors, because they were the hiding-places of the early Christians; and as, even now, when they are visited by hundreds of persons, and the entrances must of necessity be larger and higher, no person passing along the road would observe these entrances, there can be little doubt that the caves were very secure retreats in the days when bushes and trees grew on the spot, and no approaches were cut in the rock.

Returning to the high-road, and going as far as the north-east corner of the Garden of Gethsemane, we sat on a ruined wall under a tree, and took black coffee from the tiny cups (fingans) brought to us by a Cafejee who, according to the custom of his fellows, had planted himself at this strange spot. He seemed to have made a good choice, for several persons stopped during our stay, sipped coffee, talked over the morning's news, and took a leisurely survey of us infidel ladies. Here came a most loathsome, leprous beggar, entirely crippled, moving by help of little pattens fixed to his hands, and with portions of his face quite eaten away. As he placed himself suddenly before me and a lady next to me, we almost fainted, then turned away and covered our eyes, while our angry gentlemen drove the man off. But we were not thus easily to be rid of him, as you will presently see.

Moving on we began to climb the hill, and after sundry rests, during which we gazed on the beloved city and then at the Golden Gate (now built up), we speculated as to the path our Lord took when he entered by that gate in his last journey to Jerusalem.

And then we spoke of the return of the Lord to his sanctuary, and the curious Jewish, Moslem, and Chris-

tian traditions which say that Porta Aurea will not reopen till the Messiah, Prince, or Saviour shall come again to Jerusalem, when this great walled-up gate will open without mortal help. With all the fanciful or foolish legends attached to the idea, there is life in the certain belief of the return of the living Saviour, infinitely preferable to the cold, dead infidelity too often found in nominally Christian lands.

Arriving at the top of the mount, we were confronted by our beggar, whom we had supposed incapable of annoying us here; but he had reached the top sooner than we; and, with such a proof of his agility and pertinacity before us, the only plan open to us was to pay him off, and he left without showing any gratitude for the money he had extorted.

The custodian of the church of the Ascension showed us the more curious features of this roofless ruin; and on a wall we saw the names of the suite of the Prince of Wales, besides those of hosts of large and small notabilities and nobodies, who had written so closely as to cover the plaster of the dome to a height of seven or eight feet from the ground.

Mounting by a private stair to the top of the walls, we had a most splendid view of Jerusalem, with the surrounding valleys; we traced the stream of Kidron, marked the pool of Siloam, and the tomb of David; then, though admiring the graceful shapes of the mosques of Omar and El Aksa, wished it were possible to get a glimpse of that splendid temple whose pure white marble walls and burnished golden roof must have made it an object of wonderful beauty and glory when lit up by the sunshine of these clear skies.

From the wall we gathered sprays of self-planted wallflowers—strangely sweet they seemed so far from home—and then descended and passed round to the east side of the church, where we found a room prepared in a private house, where also our meal was arranged. From this cool stone room, with its matted floor, on which we reposed in Eastern style, we could see the mountains of Moab, a small part of the Jordan, some part of the plain of Jericho, and nearly the whole of the Dead Sea; all this at a distance, but so clear and bright and distinct was the picture that one said, "Ah! we could soon cross to that silvery river, or that sad grey sea!" but, on another occasion, trying how soon this journey might be accomplished, we found it a long and tiring day's journey to the plain, and that it is usual to occupy two days in going to Jordan.

Presently breakfast was brought. It consisted of many things, served somewhat in the manner of courses—coffee, sweetmeats, cakes, bread, wine, cheese, and liquors, with fruit and sherbet. Then we inquired for the family (who had not ceased to peep at us during our repast); and when the father found our gentlemen were married, his wife and grown-up daughters came forward. We found them rather handsome Syrians, and admired both their brilliant eyes and very effective costume. They looked most inquisitively at our dress, trinkets, and mode of dressing the hair; paid us many compliments, and retired, though they remained within sight of us all the time, seeming very delighted at getting so good a view of strangers. They were most kind and hearty in manner, not rude nor rough. We heard the father was a trader and agriculturist of the better sort, and well off; he had prepared this breakfast at the request of his patron and friend, our kind conductor, and the affair was quite an event in the estimation of these villagers.

In such scenery as that surrounding Mount Olivet there is an instinctive feeling that one ought to be alone;

so I wandered away to a craggy spot commanding a grand view of the plain, and the approach to it by Bethany and the valley. Sitting on a broken column, I thought, as I gazed on the caravanserai (now ruined) built on the spot to which the good Samaritan carried the injured Jew, how many and varied the faces and nations of the visitors to that place in the subsequent times when a convent and a fortress had stood there; and then the thought of the great and motley train now and always wending its way over the rough road of this life to that other Jordan of which the shimmering type lay before me, raised one of those gushes of feeling which are among the pains (or pleasures) of a journey in this most suggestive and loved of all lands.

I pulled some of the unique lilies growing there, and also some tiny flowers we never saw elsewhere; then going again to the west side of the church, we sat to take a parting view of the scene which recalls the tender words of the Redeemer, who looked also from here when he "wept over Jerusalem."

#### CAPTAIN ARMSTRONG'S LEGACY.

It was nearly eleven years ago that I signed articles as first mate of the old "Dalhousie," a London ship employed generally on the Australian and New Zealand line. On the occasion to which I refer she was bound to Hobart Town, Van Diemen's Land, with a miscellaneous cargo, which included a great number of iron buildings in detached pieces, for churches or schools or some such edifices, which the owners had sent out by way of speculation. They were not bad ballast, and could not catch fire by spontaneous (or, in fact, any sort of) combustion; so we were pretty well satisfied with our freight. The ship was not built for passenger traffic; but, as we had a few spare cabins, some five or six passengers were embarked at first-class rates, and altogether we had a fair promise of as pleasant a passage as one could well expect.

We cleared the Channel with a fine easterly wind, and in a short time made the line. The first and, up to that period, only inconvenience which we suffered from was a want of water, which, being contained entirely in casks, had from constant rolling become very foul, so that a few hours' exposure to a tropical sun made it turn almost putrid. However, we managed to catch a sufficient quantity of rain to last us for a few days, and the captain promised to put into St. Helena to get a fresh supply; so we held on with what we had, and trusted that another week would enable us to replenish our stock.

We had got down to within about a hundred miles of the island, and expected to make it next day. That night it was my first watch, and when twelve o'clock (or, as we should say, eight bells) was struck I was right glad to go below and turn in. Blow high or blow low, people who keep watch seldom remain long awake when their time comes for a snooze, and in less than ten minutes I was fast asleep.

It must have been about five bells in the middle watch when I was woke up by some one opening the cabin door. It was the second mate, who begged me to come on deck directly. Accustomed as we all are to sudden calls of this nature, and supposing that something serious must have occurred to render my presence necessary, I hastily arose and slipped on the necessary articles of dress. The mate had returned to the deck the moment he saw I was well awake, so that I had no opportunity of asking him what was the matter. In a few moments I stood

beside him on the poop, and, not having observed any particular reason for being called, somewhat peremptorily asked him why he had roused me. "The reason is, sir, that I am afraid something is wrong with the captain. He has altered course; and, though there's a heavy squall coming up from the nor'-west, he won't allow me to shorten sail; and he's going on in his cabin in the queerest way imaginable. When I went below to report that it was coming over dark yonder, he told me to leave the cabin instantly, and followed me on deck. He then told the helmsman to put the helm down, and nearly brought us flat aback: if I hadn't rounded in the after-braces, we should have been in a pretty fix. Then he made me try and wear, saying that he wasn't going to chase a runaway island for ever; and at last, after boxhauling all round the compass, he told me to make her course nor'-west, and keep her so. You can see through the skylight what he's about below."

I glanced through the wire-covered glass, and saw that Captain Armstrong was engaged in what, to say the best of it, was an extraordinary proceeding. A chart of the South Atlantic lay before him, and he was endeavouring with a penknife to erase from it the island of St. Helena! Wondering what he could be doing, I said to the second mate, "Shorten sail directly, Mr. Jarvis, and I'll go below and tell the captain." So the watch was called up, and I left the poop and walked aft into the cabin.

I ought, properly, to have described Captain Armstrong to you when I commenced. By way of repairing the omission, however, I must inform you that in appearance he was a man of considerable muscular strength; he was possessed of a tolerable education, and generally considered a first-rate navigator, and was reputed to be steady and eminently trustworthy; he had already made two passages in this very ship, which had been fortunate in the weather experienced by her on both occasions.

When I entered the cabin the captain paused in his singular employment and looked up. Seeing that it was I, he hastily dropped the knife and said, "Do you want me?" in his usual tone. I replied that I had come to inform him that we were shortening sail, and fully expected an explosion of anger on his part at this contradiction of his orders; but I was mistaken.

"Sit down, Wyndham," said he: "I want to consult you on a delicate point." Wondering what he could mean, I obeyed, and seated myself at some little distance from him. I observed that he seemed to avoid the steady gaze I fixed upon him, and glanced uneasily about the cabin as if he feared interruption.

"You must know," began the captain, "that some years ago my grandmother died, and left me by her will a large estate in Scotland, and the island of St. Helena."

If ever I opened my eyes widely in my life, I did on hearing Captain Armstrong, in the gravest way imaginable, repeat the above words. I immediately saw that I had to deal with a man in one of the most dangerous forms of lunacy; namely, mad on one point, but sane on every other. The full dangers of my position flashed across my mind on the instant, and I perceived the necessity of caution, and of showing apparent acquiescence in whatever he might say. So I repressed the exclamation about to issue from my lips, and merely nodded in affirmation. The captain went on.

"I perceive you are astonished that so undistinguished an individual should have been left so large a legacy; but when you take into consideration the fact that I am at the present moment the rightful heir to the crown, you will perhaps see less cause to be surprised.



However, it is needless to enter into these little family affairs, so I will come to the matter I wish to consult you on. A few days ago I received a communication from my grandmother."

"But I thought you said she was dead?"—I could not forbear interrupting.

disturbing the crew and passengers; and to consult men just awakened from a sound sleep would have been useless, as people seldom have all their wits about them at that time. One night could do us no very great harm; so I determined to try and persuade him to intrust me with his orders, promising to make all right, and in the



THE PUZZLING CHART.

"Exactly so. She, however, thought fit, as I tell you, to pay me a visit a few nights since, and told me that, as I had acted against her express directions in allowing the present usurper to remain on the throne, she had caused the island to be removed, and that all search for it on my part would be useless. That her words were but too true our present position is a too satisfactory proof. For two days I have carefully worked the reckoning, and find that we have actually passed twice over the former site of the island. But I don't intend to give up the chase altogether, and I have just altered course to catch it: if we shorten sail, we shall probably be too late, for she will have moved it again, and our labour will have been in vain. It was on this point I wished to ask your advice, as we *must* catch the island, or we shall die for want of water."

I listened in silence to this extraordinary speech, and by the time he had finished had resolved how to act. To have attempted force would have possibly led to

morning take such steps as might seem advisable, with the concurrence of the other officers and the passengers; so I quietly replied—

"I quite sympathize with your determination, Captain Armstrong. If, as you say, we *must* find the island, I do not see that we could do better than we are doing. I will see that all possible sail is carried. By-the-bye, have you any objection to letting me see your day's work?"

"None at all," replied the captain: "there it is."

I ran my eye over the figures, and perceived that he had actually falsified the calculations in such a manner as to place us about a hundred and twenty miles to the southward of our proper position. To argue the point, however, would, I felt, be utterly useless; so I said—

"If you intend to keep the morning watch, sir, you had better turn in for an hour; and I think it would be as well not to mention anything about this to the passengers. They might not see the necessity——"

"Very true," said the captain: "I will not. Perhaps, as you say, too, it will be as well to have a nap before I go on deck. Good night."

I left the cabin and again joined the second mate on the poop. He looked at me as much as to say, "Well?"

"You can go below if you like, Mr. Jarvis," said I, "as I will look out for the rest of the watch. The captain's reasons for acting as he did will be satisfactorily explained to-morrow."

I said this to prevent any hint of the true state of affairs getting forward among the men. Mr. Jarvis did not need to be told twice he might go below, and disappeared immediately.

You must understand that I was in a very disagreeable position. To dispossess a superior officer of his authority is always a delicate matter, unless very plain cause can be shown for such a proceeding. I had had proof plain enough myself; but the danger in the present case was that the captain should yet have cunning enough to persuade others of his sanity, perhaps even by an utter denial of all I could allege. I resolved not to call him at four o'clock at all events, but to keep the morning watch myself, not a little anxious as to the events likely to follow.

Contrary to my expectation, the captain did not make his appearance on deck. At half-past seven I was relieved, and at eight sat down to breakfast with the passengers. As he had not even then made his appearance, I desired his steward to go into his cabin and see if he was awake.

Presently the man returned, and, with alarm depicted on his countenance, said, "Please, sir, I'm afraid the captain's ill: he's in a fit or something." One of the passengers, who was a young surgeon, offered to go in to him and ascertain what was the matter.

He came back in a few minutes, and, drawing me aside, whispered, "The captain has a violent attack of brain fever!"

To say that I did not experience a feeling of relief when I heard these words would be untrue. I immediately sent for the second mate and carpenter, and, in their presence and that of the passengers, related the extraordinary occurrence of the night. I was unanimously requested to make the island as speedily as possible; and such arrangements as were possible having been made for nursing our unfortunate captain, we altered course, and in a couple of days anchored in St. Helena Roads. We then obtained additional medical help; and as soon as the captain could be moved he was sent ashore to the military hospital. As there was no one else who could take charge of the ship, and the crew unanimously expressed their confidence in myself, I resolved, on my own responsibility, to take the ship on to New Zealand, the doctors having given it as their opinion that the captain's recovery would be a matter of some months. So, having taken in water and stores, we left the island, after a stay of six days.

#### THE KINGS OF THE CAUSEWAY.

WHATEVER the rush and tumult of London in the thronged streets along Strand or Cheap, and whoever is worried, driven, and in a hurry to get to his destination, it is not the case with the kings of the causeway; by which term we take the liberty of designating the Carmen, comprising the waggons, brewers' draymen, coal-balliers, and all and sundry their congeners who navigate the ways of the City and suburbs with loads of heavy goods, wet or dry, borne along on broad-tired,

ponderous wheels and axles, defiant of collision. Their dignity, which no man, especially one carrying a whip, dreams of disputing, does not condescend to be in a hurry: they are deliberate, almost majestically so, in all their doings, moving with becoming gravity, and evidently scorning the notion that anybody has a claim to interfere with them.

The London carman, of whatever degree, is a despot whose despotism is to be reckoned in the ratio of his tonnage, and whom in case of liability to contact it is the best policy to conciliate. He has the right of way by virtue of his weight, and he generally maintains that in spite of minor and mere moral considerations. He considers precedence his due because he has the power to take it; acting on the "good old plan, that they should take who have the power, and they should keep who can." Fortunately it is not difficult to conciliate him: there is a spice of gentleness incorporated in his stalwart bulk which renders him at most times placable and manageable by a civil word. But you must not lord it over him because you happen to drive a brougham bedecked with silvery trappings: if you do, he may chance to take off your wheel by an *accidental* concussion with his bossy axle; and what becomes of you then? No; concede to him the show of courtesy, and he will allow you to precede him on the road, whistling off his team to make the course clear for you.

The carman is not an unwelcome apparition in the London streets: he fills so large a portion of the canvas in the pictures of London life that we should miss him sadly, and with him one of our most characteristic phases of out-door life, if he were withdrawn. He is the prosaic Pomona and Hebe, and a thousand times more: the cornucopia that comes lumbering along at the tail of his team is ready to pour out all the material wealth of the world into our larders, and cellars, and corner-cupboards. He brings us all good cheer and all good store, delivering at our doors the necessities and luxuries of life without pause and without stint. His horses are justly the pride and boast of Londoners: there are no such animals to be seen elsewhere upon the face of the earth. The work they do would be done by no other breed, and yet they scarcely seem to work at all: they move their vast bulk, and that is sufficient; whatever the load, it is borne forward by their weight alone, without any visible exertion of muscular strength. The carman's pride in his horses is made patent to all men by the condition in which he turns them out into the streets of a morning: look at their polished coats and gleaming manes; note well their ample billowy tails, "streaming like meteors in the foggy air;" and mark their shaggy fetlocks, soon to be dragged in the viscid mud, but emerging from his careful hand clean as a white sheet, and glossy and glistening. There is a flower or a sprig of green nodding over the leader's broad forehead, and the pomegranates are tinkling gently in his head-gear as his ample face sways up and down in time to the fall of his solid foot upon the sounding stones. All this denotes the carman's sedulous care of his beast; such care being no burden to him, but a labour of love. Not that he would ever think of coddling his animals, or sparing them any work they are able to do: his aim and his pride is rather to keep them in condition for the most arduous tasks. Fond of his own horses—regarding them, indeed, with a real affection—he cannot bear to see the horses of another man, even a stranger, ill-used or distressed. There is hardly a more common sight in London streets than that which is afforded by one carman helping another. You may witness this daily, almost hourly, in the hilly parts of the City, where no sooner is a heavy load stuck fast, than the next carman who

happens to come along unyokes a horse or two from his team, and assists in dragging the foundered wain free from the obstruction. There is many a countryman who comes into town with a load for which he finds his horses unequal on the London stones who owes it to the prompt assistance of the London carman that he succeeds in getting to his destination. "Lay the whip well into 'em," said a rough fellow once, in our hearing, to a country carrier whose team had stuck fast. "Lay the whip into your own hide!" was the rejoinder of a railway carman, whose wain stood near: "them hosses is doin' all they can, an' more nor they oughter;" and with the words he joined on one of his own animals, and cheerily helped the countryman out of the difficulty.

Another trait of his kindly spirit is always noticeable along the lines of busiest traffic. We allude to what most people must have noticed; viz., the carman's patient tolerance of hangers-on. Every now and then one sees some half-ton or more of goods piled on a hand-cart which some boy or growing lad has to transport to a distant quarter. He cannot drag it over the stones all the way: the attempt would be out of the question, and he does not intend to make it. He knows a better plan: he waits till some huge waggon comes along, and then, launching into the causeway, he fastens a tow-rope to the tail of it, and is drawn off in its wake; he constitutes himself a parasite, in short, transferring his favours from one waggon to another, as they happen to suit his convenience, until he arrives at his journey's end. Now the carman is rarely seen objecting to this: if he sees the manœuvre, he does not deign to notice it; he would think it derogatory to the qualities of his powerful brutes even to imagine that they could be sensible of so trifling an addition to their load; and it is probable that he is rather flattered than annoyed by preferences of this kind.

Most carmen keep a dog; and the dog is not unusually a bull-terrier, particularly noisy and demonstrative in view of the public, though modest and quiet enough in private life. At home in the mews he is the companion of the horses, attending his master at their feeding, currying, and washing, and often their companion in the stable at night; and he is further the pet of the carman's children, whom he allows to harness him to miniature waggons and drive him up and down. But when he goes out with the team, and he will do so whenever he can, he is another creature: for some reason best known to himself he puts on the savagest behaviour he can compass; he scrambles to the top of the load, and begins running backward and forward from one end of it to the other, maintaining his footing in spite of the continuous jolting, grinning and showing his teeth the while, and barking furiously at everything and everybody as long as the vehicle is in motion. When the waggon stops to deliver goods Jowler gets down, ceases his furious noise, resumes his good temper, and rubs shoulders with his friends the horses while they are gravely fathoming the depths of the nose-bags. But no sooner is the journey resumed than Jowler is aloft again, and barking still more furiously and savagely than before.

Having set down some of the virtues of the carman, we may be permitted in candour to notice what we can but consider a failing. We have a suspicion that he over-estimates his position in society; that he is given in a manner to appropriate to himself some of the credit and importance which are due to the highly-respectable firm to which he belongs; and that his feeling puffs him up at times, and impels him to actions obnoxious in some degree to the public. Else why is he so much given to occupy more space than he wants when he draws up to

deliver or to unload? Why need he, for instance, when his load is coals, back his long waggon against the footpath, so as to barricade the way and render it all but impassable to other traffic? And when he is called upon to diminish his orbit and restore the circulation, what makes him so extremely set of hearing? and when he does hear, why does he set about the required and necessary alteration with such aggravating tardiness? These be questions asked a good many times, to which the subjects of them do not respond. In justice it should be stated that the brewers' draymen lie most open to remonstrance in regard to offences of this kind. Privileged by law to monopolize the footpaths whenever they please, while they lower the full barrels down into the publican's cellar, and entrap the feet of unwary pedestrians in coils of rope, they are not content with this monopoly, but are frequently seen conspiring to barricade the roadway crossings, and stop for a time the communication. They indulge in this species of amusement generally at sundown, winding up with it the business of the day. Released from your duties about that time, you are coming home to enjoy the delights of your fire-side and social circle; but suddenly, when about to cross, say Malt Street, you are brought to a sudden stand; for, lo! there is an endless chain of brewers' drays, all empty of beer, stretching as far as you can see, and all united together like the links of a chain, the nose of each leading horse nodding over the tail of a preceding dray. You look in vain for an opening in the long chain: the drays are, to all intents and purposes, as effectually joined together as the carriages of a railway-train, and it is hopeless to think of breaking the line. So you have to stand, along with fifty or more other pedestrians, watching as patiently as you may whilst the monstrous alexandrine, "like a wounded snake, drags its slow length along." It is worth while, if your philosophy be sufficiently unruffled to allow of it, to watch the carman at this, the moment of his supreme satisfaction. He is not walking by the side of his team, encouraging them by his cheerful voice. He leaves the animals to their own guidance, knowing well enough that they will follow their noses, after their day's work is done, to their accustomed home. You see him, instead of walking, doubled up upon the shaft, or else throned on a barrel, his whip laid aside, and his arms folded in tranquil dignity, while a cloud of smoke issues from the short pipe in his mouth. He affects not to be conscious of the obstruction and delay he is causing to the Queen's lieges. His countenance is as stolid as if it were carved in stone: it exhibits a sort of somnolent expression, as though he were beguiled half-way into Dreamland by the hollow rumbling music of the "empties" as they are jolted dissonantly over the stones. But, all the while, the carman is never wider awake than now. Between those half-closed lids he sees everything: he notes your impatience as you tap the curb with hasty foot; he marks the flush of indignation in your face; he hears the angry ejaculations of the fast-accumulating throng, and notes well their excitement. But, as "king of the causeway," he maintains a sovereign silence, receiving all such demonstrations as so many tokens of deference to his supremacy; and you have no remedy but patience, and must perforce allow him to vend his way at his own sweet will.

The carman, such an important personage abroad, is usually a secondary subject at home. He never, or but rarely, interferes in domestic matters, but leaves all household affairs to the discretion of his wife, who, unless she has too many prospective little carmen to manage, will be found to take in washing and to make use of the mews as a drying-ground, principally by means of lines



or poles stretched from one side to the other. If a single man, he usually lodges in the vicinity of the stables which accommodate his team, and he gets his meals at the public-house: very characteristic meals they are, remarkable for their abundance and solidity; for, as a rule, he is not given to drink in such excess as to damage his appetite, upon which he rather prides himself. He takes his meals in primitive fashion, dispensing with the ceremony of laying the cloth, and the use of ordinary knives and forks. He prefers rather to spread his pound ration of beef upon the section of a quartern loaf, keeping it in place with the thumb of his left hand, and supplying his massive jaws by means of a huge clasp-knife, with which he cuts, and the point of which goes up to his ear from time to time, while his fingers convey the morsels to his mouth. In drinking he is master of a peculiar accomplishment, not easily acquired: instead of swallowing his liquor, as other people do, by frequent acts of deglutition, he pours it down his throat in one continuous stream, as though he were transferring it from one vessel to another; and in this manner he can "put away," as he terms it, an alarming quantity without being visibly the worse for it. It is noticeable, and is borne in mind by the lovers of beer, that wherever carmen and carriers, and especially coal-heavers and haulers, congregate to take their repasts, there the liquor is sure to be good and relishing—the unadulterated brewst of the brewer: these hardy fellows are too good judges of the genuine article to be deceived, and will withdraw from any publican who should practise any tricks of the "doctoring" kind.

The character of the carmen of all grades stands high for honesty and responsibility. Trusted with property of all kinds and of incalculable value, they have proved themselves, on the whole, worthy of the trust. It is rare that any complaint is made against them, rarer still that anything is proved to their prejudice. They carry about them a witness to their good faith in their delivery-book, which they always make you sign on the receipt of the goods despatched to you. On the whole, they are civil in their transactions with the public; but there are seasons when their civility relaxes somewhat, or changes into a rather taciturn gruffness. The most trying time of all is the week or ten days preceding Christmas Day, when the carman, by a stretch of imagination on the part of the London citizen, is supposed to require no time either for food or sleep. If, after lugging about boxes, hampers, and packages from six in the morning till after twelve at night, the good man's temper should turn a little rusty, we should make allowances, and not judge him harshly.

#### FOTHERINGHAY.

BY GUTHBERT BEEDE.

##### III.

It was on the 25th of September, 1586, that Mary Queen of Scots was brought from Charkey to Fotheringhay by its castellan, Sir William Fitzwilliam (whose chivalrous kindness she acknowledged by bequeathing him that portrait of her son which hung at her bed's head at Fotheringhay, and which is still preserved by the family at Milton), by Sir Thomas Gorges, and by her rigorous gaoler, Sir Amyas Paulett. It is believed that she approached Fotheringhay by that south-western road which is called "Perry Lane"—the word being written "Perio," and twice so spelt on the Ordnance Map. At the corner of the lower end of this lane she would gain her first view of her last earthly home; the mound, then crowned with its castled towers, occupying the centre of the view, with the hill of the little park

to the right, the church and village to the left, and the river winding at the foot of all, and spanned by her persecutor's bridge. "The conviction," says Miss Strickland, in her *History*, "that her name was doomed to complete the melancholy list of princely sufferers whose calamities were associated with Fotheringhay Castle, elicited from Mary Stuart, on first beholding these gloomy towers from the lane or avenue of approach, which derives its name from that circumstance, the prophetic exclamation '*Perio!*' I perish." And such is, indeed, the popular belief; but Miss Strickland tells me that she has very recently discovered a deed of a prior date to the time of Mary Queen of Scots, in which the name *Perio* occurs. This, therefore, gives the finishing stroke to the old tradition in its present form, although it is quite possible that Mary Stuart may, when they had entered upon *Perio* Lane, have been told its name, and then seized upon the idea contained in the word, and used it to express her own forebodings. Another legend is also attached to the word, which is thus given by Nichols:—"There is an idle tradition that Perry Mills, at a little distance from Fotheringhay, were so named from the queen's hearing a messenger's horn winding on that spot just before her execution, and thence expecting a reprieve; in her disappointment, she is said to have exclaimed, '*Perio!*'" Of a like complexion is the ridiculous couplet which says,

"If Fotheringhay Castle had not been so nigh,  
Peterborough spires had not been so high,"

—a very hazy reference, I suppose, to her burial in Peterborough Cathedral. The above "idle tradition" is falsified by all the events of the execution. The day of her death was February 8, 1587; and on the 19th of the previous December she had written her last noble letter to Elizabeth, never, either at that time or afterwards, expecting any better fate than the block, and only fearing that she might be privately murdered, and thus that her enemies might clear themselves by stigmatizing her memory with the sin of suicide. Those must have been six dismal wintry months that she passed at Fotheringhay, when the November fogs would settle heavily over the low-lying valley of the Nene, shrouding in their damp mystery the stretch of "dismal flats," and tending to aggravate her pensive melancholy and embitter her misery by adding to her severe bodily sufferings. Tortured with neuralgic pains, which so frequently kept her for days together to her bed, and crippled her from taking the least exercise, even if the weather and her gaolers had permitted it, the wintry months of her detention at Fotheringhay must have been the most embittered of her many and long imprisonments. She could amuse her mind, it is true, by writing French verses; yet they were of this nature:—\*

"Alas! what am I? and in what estate?  
A wretched corpse bereaved of its heart;  
An empty shadow, lost, unfortunate;  
To die is now in life my only part.  
Foes to my greatness! let your envy rest;  
In me no taste for grandeur now is found:  
Consumed by grief, with heavy ills oppress'd,  
Your wishes and desires will soon be crown'd.  
And you, my friends, who still have held me dear,  
Bethink you, that, when health and heart are fled,  
And every hope of fortune good is dead,  
'Tis time to wish our sorrows ended here;  
And that this punishment on earth is giv'n  
That I may rise to endless bliss in heav'n."

Three months before her death, her gaoler insulted her by taking down the dais or canopy over her head, to signify to her that "she was a dead woman, and deprived of the honours and dignity of a queen;" and Paulett,

\* Translated in Seward's "Anecdotes," ii. 155.

covering his head in her presence, coarsely told her that as there was no longer any time or leisure for her to waste in idle recreations, he should take away her billiard-table; to which the Queen of Scots replied that she had never used it during those six weeks that she had been there; for that they had given her other occupations. So it was taken away from her, and not used again until its green cloth was torn off to form the first shroud for her headless corpse. Her whole treatment at Fotheringhay was so rigorous that it suggests the idea there was nothing her captors would have liked better than for Mary to have given them the chance of killing her. If she attempted to escape, she was to be shot by any of the two thousand soldiers who guarded her; if any attempted to rescue her, she was to be slain; if there was any noise or disturbance in her lodgings, or in the place where she was, she was to be at once put to death. Such were the standing orders during the time of her captivity at Fotheringhay; and these, combined with her well-grounded fear of secret assassination or poisoning, must have fearfully aggravated her sufferings, and have daily heaped fresh coals of fire on the head of Elizabeth. For the last two months of her imprisonment her chamber and bed were hung with black; and her forty-fourth and last birthday dawned upon her amid these funeral trappings.

I wonder if we shall ever know the real parts played by Elizabeth, Davison, Harrison, and Walsingham in that document of death which released the royal prisoner from all her indignities and sufferings? Partisanship, and conflicting considerations begotten of Roman Catholicism and Protestantism, unfortunately have so encrusted the subject, that, in gazing upon it, the clear eyes of the historian become dimmed, and more or less affected by those clouds of incense that Mary Stuart's worshippers have raised around her death and varied fortunes. The clue to Elizabeth's motives is one of those historical problems that admits of more than one solution. I remember being present on an occasion when the instinct of a little workhouse girl guided her into the probable path for this discovery. It was at an examination of a certain industrial school of workhouse children, who, in a most surprising manner, answered questions that would infallibly have plucked many undergraduates and civil-service candidates. One of the examiners on this occasion was a member of Parliament, who had a good opportunity of airing his historical knowledge before the ladies and gentlemen who were present; and he at length asked the question, "What motives induced Queen Elizabeth to proceed to extreme measures against Mary Queen of Scots?" "Because she was jealous of her," at once answered a bright-looking girl of fourteen, dressed in demure workhouse garb. The M.P. was scarcely satisfied with the answer; but, instead of resting content with it, he heedlessly asked, "And why was she jealous of her?" "Because Mary Queen of Scots was more beautiful and had more lovers!" was the prompt reply of Miss Workhouse. It is needless to say that the M.P. asked no more questions concerning Elizabeth and Mary Queen of Scots. It was time for him to close the subject; and it is time for me, also, to imitate his example.

Yet, ere we say farewell to Fotheringhay, stand with me here awhile on the mound on this lovely morning in the first week of September, when all around looks so sweetly calm and peaceful that it is hard to realize the fact that, in this very month, two hundred and seventy-eight years ago, this spot was devoted to the consummation of a wicked deed that (happily) stands alone in our historic annals. Nor, just now, can we realize

those November fogs and wintry mists that must have made the prospect so cheerless to the royal captive's eyes; for, bathed in the brightness of the meridian sun, the landscape borrows a beauty that is not its own, and would be accounted sufficiently picturesque to meet the tastes of all who, like truth-speaking Goldsmith, preferred a flat country where you could walk about without fatigue, to a highland district where precipitous mountains gave the pedestrian unnecessary toil. Yet the flatness of the greater portion of the landscape is relieved by the extensive woods and gentle hills that bound the view; and the level stretch of meadows immediately before us is girdled by the shining windings of the river, and dappled over with flocks and herds. Down by the water's edge, standing knee-deep in the cooling stream, and whisking the summer flies with busy tails, a bevy of cows have pushed their way through the sedgy margin of the river, and are mirrored in its clear surface, where the fishes are rising, and making white circles in the dusky shadows of the bank. Other evidences of a peaceful agricultural life meet the eye, in rick-yards and homesteads, and in those English gold-fields where the white-shirted reapers are making paths through the golden grain, while the heavy-laden wagons bear away their rich freight of treasure. Nearer still, the sun gleams on the ruddy hawthorn-berries on the castle mound, on the turquoise patches of the bright forget-me-nots in the sedgy moat, and on the glossy purples of the chosen flower of the Queen of Scots. It is a scene of peace, gazing on which we think of her own last words, "That soul is far unworthy of the joys of heaven whose body cannot endure for a moment the stroke of the executioner."

## HINTS ON LEGAL TOPICS.

### XVIII.—OBSERVANCE OF THE LORD'S DAY.

THE following sketch is presented to the reader with the preliminary caution that, in some respects, it must be deemed to be rather a historical retrospect than a statement of living law.

The dates of the various decisions will be a useful guide in determining their value as authorities at the present day; but it is impossible to lay down any unerring rule whereby the exact period may be ascertained when an unrepealed law has become obsolete. Public opinion is itself in an uncertain state—not, happily, as to the duty and expediency of maintaining, in public and in private, the sanctity of the first day of the week—but as to the degree of observance of the Sabbath which it is desirable to enforce by magisterial authority. With regard to these modern changes and conflicts, it is not intended on this occasion to give our opinion; the sole object in view being to endeavour to describe the actual state of our institutions in regard to this matter as they exist at the present day. This being premised, it may be added that none of the following regulations, it is believed, have ever been actually superseded, though some of them may have fallen into disuse.

In the year 1676 was passed the celebrated statute which declares its object to be "The better Observance of the Lord's Day, commonly called Sunday." It is remarkable that this important piece of legislation was introduced in the sixteenth year after the Restoration: a period, as is generally supposed, of great laxity of national morals.

The first section of this statute enacts that "All and every person and persons whatsoever shall, on every Lord's day, apply themselves to the observation of the

laws concerning the observation of the Lord's day, by exercising themselves thereon in the duties of piety and true religion, publicly and privately, and that no tradesman, artificer, workman, labourer, or other person whatsoever, shall do or exercise any worldly labour, business, or work of their ordinary calling upon the Lord's day, or any part thereof (*work of necessity and charity only excepted*), and that every person, being of the age of fourteen years or upwards, offending in the premises shall, for every such offence, forfeit the sum of five shillings; and that no person or persons whatsoever shall publicly cry, shew forth, or expose to sale, any wares, merchandises, fruit, herbs, goods or chattels whatsoever upon the Lord's day, on pain of forfeiting the same goods to the use of the poor of the parish."

It was also provided that no drover, horse-courser, waggoner, butcher, higler, or any of their servants, "shall travel or come into his or their lodging or inn on the Lord's day, under a fine of 20s.; and that no person is to use, employ, or travel with any boat, wherry, lighter, or barge, except upon extraordinary occasion, to be allowed by some justice of the peace or chief officer."

But, by a subsequent section, it is provided "that the Act shall not extend to the prohibiting of dressing or selling meat in inns, cooks' shops, or victualling-houses, for such as cannot otherwise be provided, nor to the crying or selling of milk before nine in the morning or after four in the afternoon."

Upon the above statute a number of decisions have been arrived at by courts of law; and it may be interesting to review briefly what have been from time to time the views of the most learned judges with reference to the legal obligations of Englishmen to observe Sunday, or, as it is reverently called in the Statute Book, "the Lord's Day."

In the first place, it was ruled, so far back as in the year 1759, that the dressing of puddings, pies, and other things for the dinners of customers by a baker in the course of his trade was *not* an offence within the Act, Lord Mansfield observing, "that the Sabbath would be much more generally observed by a baker's staying at home to bake the dinners of a number of families than by his going to church, and these families or their servants staying at home to dress dinners for themselves." Another judge said he thought it was within the equity, though not within the words of the proviso respecting "inns and cooks' shops;" and a third was of opinion that it also fell within the exception in the Act of works of "charity and necessity."

Several years afterwards it was decided that the baking of hot rolls on Sunday *was*, on the other hand, an offence within the statute.

The case of the bakers was again, in the year 1793, brought before the Court of King's Bench, when Lord Kenyon refused to disturb the decision of Lord Mansfield, and said, "Thirty-four years have nearly passed since the public were informed that all bakers have a right to do what is imputed to the present defendant as an offence. It would be cruel, not only to the defendant but to others in a similar situation, if we were now to punish him for doing that which this Court publicly declared so many years ago might be done with impunity, and which so many persons have been doing weekly for such a number of years. The statute ought to be construed equitably, so as that it may answer the purpose of public convenience, taking care at the same time that the Sunday be not profaned." Mr. Justice Grose added, "There cannot be any distinction between dressing dinners for the poor and the rich, as far as respects

the baker. It is admitted that dinners for the former may be dressed;\* then is it to be endured that it would be no crime to bake for a man who is *too poor to bake at home*, and yet that the baker must be convicted on a penal law for baking for another person who *happens to be able to bake at home*—a circumstance of which the baker cannot be cognisant? This case, therefore, seems to me to come within the proviso relative to cooks' shops." The ingenuity of this argument may be conceded, whatever may be thought of its soundness or of its fairness towards the bakers, who have a right to their day of rest.

In 1824 a man who drove a van, travelling from London to York, was stopped at Stamford whilst on his journey, and convicted as a carrier travelling with horses on a Sunday. The judges of the Court of Queen's Bench declined to say anything upon the inconvenience which was suggested by counsel as to the cases of either stage or mail coaches, but were clearly of opinion that a man who had the care of a van *was* a carrier within the statute.

We now come to a different class of questions altogether. The point came to be frequently raised how far bargains, agreements, and contracts made on Sunday were binding on the parties who entered into them.

In the year 1808 Mr. Drury, a banker, had sent his horse to a man named Hull, who kept a commission stable for the sale of horses to be sold. A Mr. Defontaine came to Hull's stables on a Sunday, and after having tried the horse for an hour, asked Hull to be allowed to take it to a friend of his, a Major Mackenzie, that he might try it. Hull told Mr. Defontaine that the price of the horse was a hundred guineas, but that if he brought back a hundred pounds it would suffice. At the same time he added, that if the horse was not returned by two o'clock he should consider it sold. Mr. Defontaine did not bring the horse back till eight o'clock, and Hull refused to receive it, insisting that the sale was complete at two o'clock. The jury found for the plaintiff, Mr. Drury; and a rule having been obtained by the purchaser to set aside the verdict, it was argued that the contract was void as having been made on a Sunday. Lord Mansfield, Chief Justice of the Queen's Bench, thus expressed himself:—"The bargaining for and selling horses on a Sunday is certainly a very indecent thing, and what no religious person would do; but we cannot discover that the law has gone so far as to say that every contract made on a Sunday shall be void; although, under this statute, if any man, in the exercise of his ordinary calling, should make a contract on the Sunday that contract would be void. It appears that the horse was not sent to Hull for the purpose of private sale, but for the purpose of being sold by auction, for it may be gathered from the evidence that Hull keeps a repository for sale by auction. Therefore Hull did not sell this horse, properly speaking, as a horse-dealer. It is said by Lord Coke that the Christian religion is part of the common law; and such a sale certainly is directly contrary to the practice of those religious duties which it was the purpose of the Legislature to enforce. But it does not appear that the common law ever considered those contracts as void which were made on a Sunday. To bring this case within the Act, we must pronounce that either Drury or Hull worked within their ordinary callings on the Sunday. But the sale of horses by private contract was not Drury's ordinary calling, nor was it Hull's; his calling was that of a horse auctioneer, and he was not

\* The learned judge meant under the provision about "inns and cooks' shops" in the statute, as given above.



within his ordinary calling in selling this horse by private contract. Therefore, although it is to be lamented, the sale must be held good."

In another instance the son of a Mr. Bloxsome was travelling on Sunday on a coach driven by a Mr. Williams, who was owner of the coach, and also a horse-dealer. Whilst the horses were changing, young Mr. Bloxsome made a verbal bargain with Williams for the purchase of one of the horses at the price of thirty-nine guineas. Williams warranted the horse sound, and not more than seven years old. The horse was delivered on the Tuesday following, and the money was then paid. The animal turned out to be unsound and seventeen years old. There was nothing to show that young Bloxsome knew Williams to be a horse-dealer. When the action was brought by the young man's father, it was objected, on Williams's behalf, that the bargain was void as having been made on a Sunday, and that Mr. Bloxsome could recover nothing. The judge overruled the objection; and, the jury having found a verdict for Mr. Bloxsome for the price of the horse, upon motion for a new trial, it was held by the Court that, as the horse was not delivered nor the money paid till Tuesday, the bargain was not completed till then. Hence there was no contract on Sunday at all; but, *if there had been*, as the purchaser had no knowledge that Williams was a horse-dealer, exercising his ordinary calling on a Sunday, he would have been guilty of no breach of the law, and therefore would have been entitled to recover the money which he would have paid upon a contract afterwards found to be void.

The above is a very instructive case. It is clear that young Bloxsome was imposed upon by Williams, who wished to evade the consequences of his false statement about the horse on the plea that it was a Sunday contract. But the judges, seeing, probably, the danger of opening such a door to fraud as this would be, made a very just decision, namely, that, although Williams was exercising his ordinary calling as a horse-dealer by selling the horse on Sunday, and therefore contravening the Act, yet that the father of young Bloxsome, who *did not know* that Williams was a horse-dealer, might have recovered his money.

It is obvious that neither horse-dealers themselves, nor those who deal with them, knowing them to be such, can maintain an action upon a contract for a sale, or a purchase with warranty, of a horse made by them on a Sunday. The contract is *void*; and from the above case the result is clear that, if you purchase a horse on Sunday of a dealer, and he warrants the horse sound, leaves it with you, pockets the money, and is off, and the animal turns out to be unsound, you, if you knew the man to be a horse-dealer, have no remedy.

The following case occurred in the year 1827:—A Mr. Thomas Smith gave instructions to his brother, a broker, to purchase nutmegs for him, and to sell them at any profit. Accordingly, on Saturday the broker purchased nutmegs, some at 11s., and the rest at 11s. 3d. On the following day, Sunday, he called on a Mr. Sparrow, and agreed to sell him the whole at 11s. 3d. The broker was unwilling to deliver the contract on the Sunday, but Mr. Sparrow was urgent; and, upon his request, the broker handed him the bought note, and made an entry of the name in his books. The sold note was not delivered to Thomas Smith till two or three days afterwards. Subsequently, the price of nutmegs fell, and Sparrow refused to take the goods, alleging that the contract was void as having been made on Sunday. Upon Thomas Smith bringing an action, it was determined that, although he did not enter into the contract himself personally, and although the objection

was taken by Sparrow himself, the action must fail, on the ground that the bargain contravened the statute.

In the same year it was formally settled by the Court of Queen's Bench that the statute did *not* make it illegal for stage-coaches to travel on the Lord's day. A Mr. Sandiman sent to the booking-office of one Breach, a stage-coach proprietor, and hired a place in his coach from Clapton to London. Breach having no other passengers refused to start, and Mr. Sandiman hired a post-chaise, and brought an action against Breach for the amount. He was held entitled to recover.

So also a contract of hiring made on a Sunday between a farmer and a labourer for a year was held to be valid. Mr. Justice Bayley remarked that, if the true construction of the Act were that every description of business was prohibited, all contracts whatever made on a Sunday would be void. He thought that was not the intention of the Legislature. In his opinion, the Act of Parliament did not prohibit labour, business, or work of every description; and the hiring of a servant by a farmer on a Sunday was *not work or business* within the meaning of the Act.

Those of us who are acquainted with the Brighton Downs will very probably have observed, at certain periods of the year, droves of cattle on their way from Wales, to be sold in the neighbourhood of Lewes and Pevensey. In the year 1830 the drover of one of these herds, belonging to one Williams, a Welshman, on his return journey sold three cows and a heifer to a man named Paul, in order to procure funds for his journey. The money was to be paid in three months. This bargain was made on a Saturday evening, subject to Paul's approval of the beasts on the following morning. Accordingly, on Sunday Paul inspected and approved of the animals. The drover proceeded on his journey, leaving the three cows and a heifer which Paul said was not the one he had chosen. He afterwards promised to settle when the time agreed on was up, but ultimately refused to pay the price agreed upon. An action was commenced for the price; and the Court of Common Pleas, whilst they were of opinion that the contract was not completed till Sunday, yet decided that as Paul had kept the heifer, and promised to pay for it, he was bound to pay what it was worth, the promise being a confirmation of the Sunday agreement.

This decision, however, was afterwards pronounced by Baron Parke to be unsound; and in a subsequent case, where a Mr. Simpson, a wine merchant, sold wine to a Mr. Nicholls on a Sunday, and afterwards sued him for the price, and Nicholls's defence was that the contract was void, as having been entered into by the plaintiff on a Sunday in the way of his business, the reply of Mr. Simpson (who relied on the case of the drover) that Nicholls had kept the goods, and therefore was bound to pay for them what they were worth, was held to be bad.

Baron Parke further observed, with reference to the drover's case, that, as the property in the heifer had passed by delivery on Sunday, the promise to pay for it on a subsequent day could not constitute any new consideration.

It seems doubtful whether there is any illegality or informality in the performance of a contract on Sunday, as by delivery and acceptance, when there has been a previous verbal contract on a week day. Where a gentleman agreed to purchase a carriage of a coach-maker on a week day, and on the following Saturday asked him to hire a horse and man, and send the carriage round on the following day, as he wished to take a drive, and this was done, Mr. Justice Maule observed

that nothing had taken place which was in contravention of the statute.

Nor is an attorney, entering into an agreement on a Sunday for the settlement of his client's affairs, and thereby rendering himself personally liable, a person exercising his "ordinary calling" within the meaning of the Act of Parliament.

Besides, however, the above-mentioned leading statute of Charles II, many others have been passed regulating and enforcing the observance of Sunday with respect to particular trades and occupations, mainly, of course, those affecting the preparation, supply, and sale of the first necessities of life.

Merchandising on the Lord's day was forbidden by the laws of Athelstan. In Henry IV's reign it was made unlawful to hold any fair or market on any of the principal festivals, Good Friday, or any Sunday, *except the four Sundays in harvest* (this exception will be remarked by the reader). By the Ecclesiastical Jurisdiction Act of the first year of Queen Elizabeth, all persons, not having a lawful or reasonable excuse, are enjoined to attend Divine service at some church or chapel on Sunday, on pain of ecclesiastical censure, and also of forfeiting 1s. to the poor for every offence; but the enforcement of the penalty, it is needless to remark, has fallen into complete disuse. The first chapter of the first year of King Charles I (1625), after reciting that in very many places of the realm the holy keeping of the Lord's day was profaned by disorderly people in exercising bear-baiting, bull-baiting, interludes, common plays, and other *unlawful*\* exercises and pastimes, declares that there are to be no meetings or assemblies of people, *out of their own parishes*, for any sports whatever; and that every person using the *unlawful* pastimes above-mentioned is to pay 3s. 4d. to the poor. Mr. Justice Blackstone observes upon this, that the statute "does not prohibit, but rather impliedly allows any innocent recreation or amusement within their respective parishes, even on the Lord's day after Divine service is over."†

Very shortly afterwards (1627) it was provided that no carriers or carmen are to travel with carts or waggons, and no persons are to drive cattle on the Lord's day, on pain of 20s.; and if any butcher kills or sells any victuals on Sunday he is to forfeit 6s. 8d. But it is well established that the selling of meat on Sunday is *no offence* at common law.

In 1699 a law was passed, which is still in force, permitting mackerel to be sold before and after Divine service on Sunday. In the following year forty watermen were allowed to ply on the Thames between Vauxhall and Limehouse on Sundays; and in the year 1827 provision was made for the establishment of "Sunday ferries" between Chelsea and Bow Creek, the fare to be twopence for each person carried across the river; but these Sunday ferries are not to come within two hundred yards of Vauxhall Bridge, so as to interfere with the regular fares; and watermen are forbidden to ply or work on Sunday below London Bridge, at

the plying places next above and below any "Sunday ferry."

By a statute in 1715 fish-carts and carriages are allowed to travel on Sunday either laden or empty.

Killing game on Sunday is made punishable, since the year 1724, by a penalty of £20, and additional fines for subsequent offences; and, in 1782, an Act was passed to restrain the indecent practice of holding public entertainments and debating societies in London on the Lord's day. The keeper of any room, opened for either of these purposes, in London or Westminster, is to forfeit £200; the manager or president, £100; the receiver of the money or tickets, £50; and the advertiser of such a meeting, £50.

Finally, in 1821, it was enacted that bakers, out of the city and liberties of London, the weekly bills of mortality, and beyond ten miles of the Royal Exchange, must not, on Sunday, make, bake, or sell bread, rolls, or cakes, except to travellers, or in cases of urgent necessity, or bake or deliver any meat or victuals after half-past one, or in any way exercise the trade of a baker, except by preparing the dough for the following day; and no meat is to be brought to or taken from the bakehouse during Divine service, or a quarter of an hour before. By another Act, in the following year, bakers *within* the above limits are forbidden to make or bake bread, rolls, or cakes altogether, or in any way to exercise the trade of a baker, except to prepare the dough for the following day; they may sell bread, etc., and bake meat and victuals, but only between the hours of nine and one; but bakings, etc., may be delivered at customers' houses until half-past one.

Some regulations on the subject of Sunday observance are to be found in the Metropolitan Police Acts; but these statutes are so extensive as to require a separate investigation of their contents.

In the year 1848, however, a statute was passed, which set forth the local advantages of the metropolitan arrangements with respect to public-houses, and that it would be desirable to extend them to the country at large. It then proceeded to enact that, from and after the 14th of August in that year, all licensed victuallers, and retailers of beer and spirits throughout England and Wales, should be prohibited from selling beer, spirits, or fermented liquors until a quarter-past twelve on the Lord's day. Six years afterwards a more stringent enactment was passed, whereby the public-houses in England and Wales were ordered to be closed all day on Sunday, except from one o'clock to half-past two, and from six o'clock to ten in the evening. This was found, in the language of the Statute Book, to be "attended with inconvenience to the public;" and accordingly, in the following year, the public-houses were ordered, from and after the 14th of August, 1855, to be closed on all Sundays and holidays, except from one to three o'clock, and from five o'clock to eleven; and this is the rule which exists at present.

It is scarcely necessary to remind the reader of the various relaxations extended first to clergy and members of the Church of England, and then to those of Dissenting communities, with respect to payment of turnpike tolls on going to and returning from church and chapel. It may be mentioned, however, that, by the law of England, as well as of most commercial countries, a bill of exchange which falls due on Sunday, Christmas-day, or any fixed or appointed general holiday, is payable *on the day preceding*; also, that by an excellent provision of the Lord's Day Act, which has since been frequently re-enacted, *no arrest* can be made, and *no process* served on a Sunday, *except* for treason, felony, or a breach of the peace.

\* The use of the word "unlawful" here has reference to the "Book of Sports" of King James I, by which it was declared, in 1618, that the following games were *lawful*—viz., dancing, archery, leaping, vaulting, May-games, Whitsun ales, and morris dances; and these were not forbidden *after evening service* on Sunday! On the other hand, bear-baiting, bull-baiting, interludes, and bowling, *by the meaner sort*, were declared *unlawful*.

† This sentence is a specimen of the great commentator's occasional substitution of sound for sense. Of course the law does not prohibit what is "innocent" in the sense of what is "lawful;" but if by "innocent" is meant what is morally and religiously permissible, then by omitting to tell us what are "innocent" recreations, and what not, the learned author tells us nothing. Public opinion has advanced in this respect since the days of Blackstone.

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